

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

ELAINA NICHOLS FRUIK,

Plaintiff,

v.

Civil Action No. 3:21cv67

KILOLO KIJAKAZI,
Acting Commissioner of
Social Security,

Defendant.

ORDER

Having reviewed the REPORT AND RECOMMENDATION of the Magistrate Judge entered herein on May 5, 2022 (ECF No. 21), the PLAINTIFF'S OBJECTIONS TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (ECF No. 22), the DEFENDANT'S RESPONSE TO PLAINTIFF'S OBJECTIONS TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (ECF No. 23), and having considered the record and the REPORT AND RECOMMENDATION (ECF No. 21) and finding no error therein, it is hereby ORDERED that:

(1) The PLAINTIFF'S OBJECTIONS TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (ECF No. 22) are overruled; and

(2) The REPORT AND RECOMMENDATION of the Magistrate Judge (ECF No. 21) is adopted on the basis of the reasoning of the REPORT AND RECOMMENDATION; and

(3) The PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, MOTION FOR REMAND (ECF No. 18) is denied; and

(4) The DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (ECF No. 20) is granted; and

(5) The Commissioner's decision is affirmed.

It is further ORDERED that the issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

It is so ORDERED.

_____/s/ *REP*_____
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: June 2, 2022